

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

JOSEPH ZUMPARO,

Plaintiff,

v.

ROMAN CATHOLIC DIOCESE OF SYRACUSE; ST.
MARY OF MOUNT CARMEL CHURCH; ST. MARY OF
MOUNT CARMEL/BLESSED SACRAMENT PARISH;
THE PIOUS SOCIETY OF THE MISSIONARIES OF ST.
CHARLES BORROMEO, INC., and PROVINCE OF ST.
CHARLES BORROMEO,*Defendants.*

Index No.

SUMMONSDate Index No. Purchased: Sept. 6,
2019

To the above named Defendant(s)

Roman Catholic Diocese of Syracuse
240 East Onondaga St., Syracuse, Onondaga County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is one or more Defendant resides in New York County, which is located in New York County, New York.

Dated: New York, New York
September 6, 2019

SIMMONS HANLY CONROY LLC



Paul J. Hanly, Jr.
Attorneys for Plaintiff
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New York, NY 10016
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To the above named Defendant(s)

St. Mary of Mount Carmel Church
648 Jay St., Utica, Oneida County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

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To the above named Defendant(s)

St. Mary of Mount Carmel/Blessed Sacrament Parish
648 Jay St., Utica, Oneida County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

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SUMMONSDate Index No. Purchased: Sept. 6,
2019

To the above named Defendant(s)

The Pious Society of The Missionaries of St. Charles Borromeo, Inc.
27 Carmine Street, New York, New York County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

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CHARLES BORROMEO, INC., and PROVINCE OF ST.
CHARLES BORROMEO,*Defendants.*

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SUMMONSDate Index No. Purchased: Sept. 6,
2019

To the above named Defendant(s)

Province of St. Charles Borromeo
27 Carmine Street, New York, New York County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

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BORROMEO, INC., and PROVINCE OF ST. CHARLES
BORROMEO,

Defendants.

Index No.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Joseph Zumpano, by his attorneys Simmons Hanly Conroy LLC and the Law Offices of Mitchell Garabedian, brings this action against the Roman Catholic Diocese of Syracuse, St. Mary of Mount Carmel Church, St. Mary of Mount Carmel/Blessed Sacrament Parish, The Pious Society of the Missionaries of St. Charles Borromeo, Inc., and Province of St. Charles Borromeo, and alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

JURISDICTION AND VENUE

1. This Court has personal jurisdiction over the Defendants pursuant to CPLR 301 and 302, in that each Defendant resides in New York.

2. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

3. Venue for this action is proper in the County of New York pursuant to CPLR 503 in that one or more Defendant resides in this County.

PARTIES

4. Defendant Roman Catholic Diocese of Syracuse ("Diocese of Syracuse") is

a religious corporation organized pursuant to the Religious Corporations Law, with its principal office at 240 East Onondaga St., Syracuse, New York, in Onondaga County, New York. At all relevant times, the Diocese of Syracuse created, oversaw, managed, controlled, controlled, directed and operated parishes, churches, schools, and religious orders of the Roman Catholic Diocese of Syracuse, such as St. Mary of Mount Carmel/Blessed Sacrament Parish and The Pious Society of the Missionaries of St. Charles Borromeo, Inc.

5. Defendant St. Mary of Mount Carmel Church ("St. Mary's Church") was a Roman Catholic Parish within and under the authority of the Diocese of Syracuse and was a religious corporation organized pursuant to the Religious Corporations Law with its principal office at 648 Jay St., Utica, Oneida County, New York. At all relevant times, the Diocese of Syracuse created, oversaw, supervised, managed, controlled, directed and operated St. Mary's Church. In 2006, St. Mary's Church merged with Blessed Sacrament Church to form St. Mary of Mount Carmel/Blessed Sacrament Parish.

6. Defendant St. Mary of Mount Carmel/Blessed Sacrament Parish is a religious corporation organized pursuant to the Religious Corporations Law with its principal office at 648 Jay Street, Utica, Oneida County, New York. At all relevant times, St. Mary's Church/Blessed Sacrament Parish is and has been a Roman Catholic Church or parish within and under the authority of the Diocese of Syracuse. As a result of corporate mergers, St. Mary of Mount Carmel/Blessed Sacrament Parish is the legal successor to St. Mary's Church.

7. Defendant Province of St. Charles Borromeo was at relevant times a province of the religious order of the Missionaries of St. Charles-Scalabrinians. Defendant Province of St. Charles Borromeo has its principal place of business 27 Carmine Street, New York County, New York.

8. Defendant The Pious Society of the Missionaries of St. Charles Borromeo, Inc. ("Missionaries of St. Charles") is a New York not-for-profit corporation with its

principal office at 27 Carmine Street, New York County, New York.

9. Plaintiff Joseph Zumpano ("Plaintiff") is an individual residing in Onondaga County, New York.

FACTS COMMON TO ALL CLAMS

10. During the times relevant to the allegations set forth herein, from approximately 1956 through approximately 1957, while Plaintiff was 12 and 13 years old, Plaintiff was a parishioner at St. Mary's Church and a student at St. Mary's Church School under the auspices of Defendant Diocese of Syracuse.

11. During the times relevant to the allegations set forth herein, Father Guido Caverzan, C.S. ("Father Caverzan") was employed as a priest and teacher at St. Mary's Church. Father Caverzan was a member of the Missionaries of St. Charles and of the Province of St. Charles Borromeo.

Abuse by Father Caverzan

12. Through his positions at, within, or for the Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo, Father Caverzan was put in direct contact with Plaintiff, a parishioner and student of St. Mary's Church and School.

13. From approximately 1956 through approximately 1957, when Plaintiff was a parishioner at St. Mary's Church, Father Caverzan would approach Plaintiff at St. Mary's Church rectory, sacristy, and equipment rooms. During this time, other employees, agents, or servants of St. Mary's Church were present and knew or should have known that Father Caverzan was making contact with the Plaintiff, who was then a minor, approximately twelve and thirteen years of age.

14. At the rectory, sacristy, and equipment rooms, Father Caverzan used his position of authority and trust over Plaintiff, who was then approximately twelve and thirteen years of age, to sexually assault, sexually abuse, and/or have sexual contact with the Plaintiff. At times Father Caverzan provided the then young minor Plaintiff with

alcoholic drinks to cause the Plaintiff to be intoxicated prior to Father Caverzan sexual assaulting, sexual abusing, and/or engaging in sexual contact with Plaintiff. Father Caverzan sexually assaulted, abused, and/or had sexual contact with the Plaintiff at the rectory, sacristy, and equipment rooms weekly from approximately 1956 through approximately 1957.

15. At about the time Father Caverzan was sexually assaulting, sexually abusing, and/or having sexual contact with the Plaintiff, Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo knew or should have known that Father Caverzan was engaging in sexually inappropriate conduct with minor children.

Defendants' Responsibility for the Abuse Committed by Father Caverzan

16. At all times material hereto, Father Caverzan was under the management, supervision, employ, direction and/or control of the Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo.

17. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Father Caverzan who sexually abused Plaintiff.

18. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo had the responsibility to manage, supervise, control and/or direct priests assigned to St. Mary's Church, and specifically, had a duty not to aid pedophiles such as Father Caverzan, by assigning, maintaining and/or appointing them to positions with access to minors.

19. Father Caverzan was assigned by Defendants Diocese of Syracuse, the Province of St. Charles Borromeo, and Missionaries of St. Charles to serve as a priest of St. Mary's Church and used his authority as such to entice, take control of, and then sexually assault, sexually abuse, and/or have sexual contact with the Plaintiff while

Plaintiff was a minor.

20. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo had a duty to Plaintiff to supervise children at their church and to ensure that pedophiles did not use the church as an opportunity to approach and groom vulnerable children. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo knew or should have known that Father Caverzan used the church to approach minor children, including the Plaintiff, to entice them, and to form an acquaintance that could be, and was, used to provide opportunities for sexual abuse.

Consequences of the Abuse

21. Plaintiff suffered personal physical and psychological injuries and damages as a result of Father Caverzan's actions, as well as other damages related thereto, as a result of the childhood sexual abuse he sustained.

22. As a direct result of the Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo's conduct described herein, Plaintiff suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff was prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Father Caverzan's sexual abuse, Plaintiff is unable at this time to fully describe all of the details of that abuse and the extent of the harm he suffered as a result.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Negligent Hiring/Retention/Supervision/Direction

23. Plaintiff repeats and realleges each and every allegation set forth in

paragraphs 1 through 22 as if fully set forth herein.

24. The sexual abuse of children by adults, including priests and teachers, is foreseeable.

25. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo at all relevant times held St. Mary's Church to be a safe place for minors to attend, and their priests as individuals to whom it was safe to entrust the care of minor children. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo entered into an express and/or implied duty to provide a reasonably safe environment for Plaintiff and assumed the duty to protect and care for him.

26. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo negligently hired, retained, directed, and supervised Father Caverzan when they knew or should have known that Father Caverzan posed a threat of sexual abuse to children.

27. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo knew or should have known of Father Caverzan's propensity for the conduct which caused Plaintiff's injuries prior to, or about the time of, the injuries' occurrence.

28. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo owed a duty of care to all minor persons, including Plaintiff, who were likely to come within the influence of Father Caverzan, in his role as teacher, priest, counselor, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Father Caverzan did not use his assigned position to injure minors by sexual assault, abuse, or sexual contact with minors.

29. Father Caverzan sexually assaulted, sexually abused and/or had sexual contact with Plaintiff on Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo's premises, including the rectory,

sacristy, and equipment rooms at St. Mary's Church.

30. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo were put on notice of Father Caverzan's improper and inappropriate actions with minors.

31. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo were negligent in failing properly to supervise Father Caverzan.

32. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo were negligent in failing to supervise the rectory, sacristy, and equipment rooms at St. Mary's Church in order to prevent pedophiles from using it as an opportunity to meet, attract, groom, sexually assault and sexually abuse children.

33. At all times material hereto, Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo's actions were willful, wanton, malicious, reckless, negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

34. As a direct and proximate result, Plaintiff has suffered and will continue to suffer the injuries described herein.

35. Liabilities of St. Mary's were transferred to, or assumed by, Defendant St. Mary of Mount Carmel/Blessed Sacrament Parish. As a result, St. Mary of Mount Carmel/Blessed Sacrament Parish is liable to the Plaintiff for the damages caused by St. Mary's Church stated in this cause of action.

36. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

SECOND CAUSE OF ACTION
Negligence/Gross Negligence

37. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 22 as if fully set forth herein.

38. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo knew, or were negligent in not knowing, that Father Caverzan posed a threat of sexual abuse to children.

39. The acts of Father Caverzan described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo.

40. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo owed Plaintiff, at the relevant times a minor, a duty to protect him from Father Caverzan's sexual deviancy, both prior to and/or subsequent to Father Caverzan's misconduct.

41. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damage set forth herein at length.

42. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo:

- a. gave improper or ambiguous orders or failed to make proper regulations, and/or employed improper persons or instrumentalities in work involving risk of harm to others;
- b. failed adequately to supervise the activities of Father Caverzan;
- c. failed adequately to supervise the church and rectory;
- d. permitted, and/or intentionally failed and/or neglected to prevent,

negligent and/or grossly negligent conduct and/or allowed other tortious conduct by persons, whether or not their servants and/or agents and/or employees, upon premises or with instrumentalities under their control; and

- e. allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint, to occur.

43. At all times material hereto, with regard to the allegations contained herein, Father Caverzan was under the direct supervision, employ and/or control of Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo.

44. At all times material hereto, Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo's actions were willful, wanton, malicious, reckless, negligent, and outrageous in their disregard for the rights and safety of Plaintiff, which amounted to conduct equivalent to criminality.

45. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

46. Liabilities of St. Mary's were transferred to, or assumed by, Defendant St. Mary of Mount Carmel/Blessed Sacrament Parish. As a result, St. Mary of Mount Carmel/Blessed Sacrament Parish is liable to the Plaintiff for the damages caused by St. Mary's Church stated in this cause of action.

47. By reason of the foregoing, Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

THIRD CAUSE OF ACTION

Breach of Non-Delegable Duty

48. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 22 as if fully set forth herein.

49. Plaintiff, when he was a minor, was placed in the care and supervision of the Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo for the purposes of, inter alia, providing Plaintiff with a safe environment in which to participate in educational, youth and recreational activities. There existed a non-delegable duty of trust between Plaintiff and Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo.

50. Plaintiff was a vulnerable child when placed within the care of Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo.

51. As a consequence, Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo were in the best position to prevent Plaintiff's abuse, to learn of Father Caverzan's repeated sexual abuse of Plaintiff, and to stop it.

52. By virtue of the fact that Plaintiff was sexually abused as a minor child entrusted to the care of the Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo, Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo breached their non-delegable duty to Plaintiff.

53. At all times material hereto Father Caverzan was under the supervision, employ, direction and/or control of the Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo.

54. As a direct result of said conduct, Plaintiff has suffered injuries and damages described herein.

55. Liabilities of St. Mary's were transferred to, or assumed by, Defendant St. Mary of Mount Carmel/Blessed Sacrament Parish. As a result, St. Mary of Mount Carmel/Blessed Sacrament Parish is liable to the Plaintiff for the damages caused by St.

Mary's Church stated in this cause of action.

56. By reason of the foregoing, Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

FOURTH CAUSE OF ACTION

Breach of Fiduciary Duty

57. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 22 as if fully set forth herein.

58. There exists a fiduciary relationship of trust, confidence, and reliance between Plaintiff and Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo. This relationship is based on the entrustment of the Plaintiff while he was a minor child to the care and supervision of the Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo as a parishioner at St. Mary's Church. This entrustment of the Plaintiff to the care and supervision of the Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo, while the Plaintiff was a minor child, required these Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo to assume a fiduciary relationship and to act in the best interests of the Plaintiff and to protect him while he was a minor and vulnerable child,

59. Pursuant to their fiduciary relationship, Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo were entrusted with the well-being, care, and safety of Plaintiff.

60. Pursuant to their fiduciary relationship, Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo assumed a duty to act in the best interests of Plaintiff.

61. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St.

Charles and Province of St. Charles Borromeo breached their fiduciary duties to Plaintiff.

62. At all times material hereto, Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo's actions and/or inactions were willful, wanton, malicious, reckless, negligent, and outrageous in their disregard for the rights and safety of Plaintiff.

63. As a direct result of said conduct, Plaintiff has suffered injuries and damages described herein.

64. Liabilities of St. Mary's were transferred to, or assumed by, Defendant St. Mary of Mount Carmel/Blessed Sacrament Parish. As a result, St. Mary of Mount Carmel/Blessed Sacrament Parish is liable to the Plaintiff for the damages caused by St. Mary's Church stated in this cause of action.

65. By reason of the foregoing, Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

FIFTH CAUSE OF ACTION

Negligent Infliction of Emotional Distress

66. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 22 as if fully set forth herein.

67. As described aforesaid, the actions of Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo, their predecessors and/or successors, agents, servants and/or employees were conducted in a negligent and/or grossly negligent manner.

68. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo's actions endangered Plaintiff's safety and caused him to fear for his own safety.

69. As a direct and proximate result of Defendant's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the

severe injuries and damages described herein, including but not limited to, mental and emotional distress.

70. Liabilities of St. Mary's were transferred to, or assumed by, Defendant St. Mary of Mount Carmel/Blessed Sacrament Parish. As a result, St. Mary of Mount Carmel/Blessed Sacrament Parish is liable to the Plaintiff for the damages caused by St. Mary's Church stated in this cause of action.

71. By reason of the foregoing, Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

SIXTH CAUSE OF ACTION

Breach of Duty in Loco Parentis

72. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 22 as if fully set forth herein.

73. While he was a minor, Plaintiff was entrusted by his parents to the control of the Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo for the purposes of inter alia, providing Plaintiff with an education, appropriate guidance and an opportunity to enjoy youth activities under responsible adult supervision. During the times that Plaintiff was at St. Mary's Church, he was under the supervision and control of the Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo. These Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo owe – and owed -- a duty to children entrusted to them to act in loco parentis and to prevent foreseeable injuries.

74. Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo breached their duty to act in loco parentis.

75. At all times material hereto, Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo's actions were

willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

76. As a direct result of Defendants Diocese of Syracuse, St. Mary's Church, Missionaries of St. Charles and Province of St. Charles Borromeo's conduct, Plaintiff has suffered the injuries and damages described herein.

77. Liabilities of St. Mary's were transferred to, or assumed by, Defendant St. Mary of Mount Carmel/Blessed Sacrament Parish. As a result, St. Mary of Mount Carmel/Blessed Sacrament Parish is liable to the Plaintiff for the damages caused by St. Mary's Church stated in this cause of action.

78. By reason of the foregoing, Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

WHEREFORE Plaintiff, demands judgment against the Defendants on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be proved at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding prejudgment interest to the extent permitted by law;
- D. Awarding costs and fees of this action, including attorneys' fees, to the extent permitted by law;
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff demand a trial by jury on all issues so triable.

Dated: September 6, 2019
New York, New York

Respectfully Submitted,

/s/ Paul J. Hanly, Jr. _____
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